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WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			EXAMINER HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	
			DATE MAILED: 07/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/221,110

Applicant(s)

PATEL ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments filed April 28, 2004, with respect to claims 1-10 and 15-17 have been fully considered but they are not persuasive.

1. Applicant argued that Erb does not disclose a first message type identifier and a second message type identifier. However, the first message type identifier is necessarily present indicating that the message is a read request (Figure 3A, steps 134a and 134b; Figure 3B, step 135) and the second message type identifier represents the requested data (col. 13, lines 7-10 and 20-21; col. 6, lines 54-60; col. 36, lines 13-20).

2. Applicant argued that that Erb in view of Rutkowski does not make obvious the limitations of claims 2-3 and 9-10. However, Erb in view of Rutkowski discloses requesting information from a telephony switch where the access to a device is restricted to those authorized. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is to prevent unauthorized access to the information stored on the device which is well known in the art, such as requiring a login ID and password for access to a web page.

3. Applicant's arguments, filed April 28, 2004, with respect to claims 11-14 have been fully considered and are persuasive. The rejection of these claims has been withdrawn. However,

Art Unit: 2666

upon further consideration, a new ground(s) of rejection is made in view of Acharya et al. (US 5,903,559) in view of Byers (US 5,781,320).

### *Drawings*

4. Applicant requested that the objection to the drawings be held in abeyance. However, the correction to the drawings cannot be held in abeyance (37 CFR 1.85). Figure 1 is objected to because item 10 should be labeled "switch" as noted in the specification, page 5. Corrected drawings are required in reply to the Office action to avoid abandonment of the application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-8 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Erb et al. (US 6,246,678).

5. Regarding claim 1, 4-5, 7 and 15-17, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27) over a packet switched network (Figure 1, item 30) separate from a public switched network (col. 2, lines 52-60). The method comprises establishing a connection between the computing device and the telephony switch

Art Unit: 2666

(Figure 3B, steps 132c and 133a) and forming and forwarding to the telephony switch a packet that includes an inherent network address identifying the telephony switch on the packet switched network and an inherent network address identifying the computing device (Figure 1, item 30; col. 5, lines 5-18; note: standardized Ethernet and IP packets contain a source address and a destination address to facilitate two-way communication), an inherent first message identifier that identifies the message as a data request message (Figure 3A, step 134a and Figure 3B, step 135; note: a packet containing a read command is identified and is distinguished from a packet containing a write command -- Figure 3C, step 141a and Figure 3D, step 142), and an second message type identifier identifying a type of operations and management data requested from the telephony switch (col. 13, lines 7-10 and 20-21; col. 6, lines 54-60; col. 36, lines 13-20). Further regarding claims 15-17, the network devices have instructions on processor readable memory for performing the method (Figure 2A, items 120, 114, 116, 118, 124 and 126).

6. Regarding claim 6, the connection is established by way of an intermediate computing platform (Figure 1, items 46 or 48; col. 5, lines 12-18).

7. Regarding claim 8, the Ethernet address of the telephony switch is inherently alphanumeric (col. 5, lines 8-9).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erb et al. (US 6,246,678) in view of Rutkowski et al. (US 5,826,270).

Art Unit: 2666

8. Regarding claims 2 and 9, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27). However, Erb does not disclose providing a security token allowing the telephony switch to authenticate the computing device. Rutkowski discloses requiring a user to provide a name and security token in order to securely gain access to a server resource (col. 29, lines 31-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to authenticate a user requesting access to a system resource in the invention of Erb.

9. Regarding claims 3 and 10, Erb discloses a method of requesting operations and management data from a telephony switch (Figure 1, item 20, 42 or 52) at a computing device (item 10; Figures 2-3; col. 8, lines 6-20; col. 36, lines 13-27). However, Erb discloses a session request (Figure 3A, item 132c) and a session request reply (Figure 3B, steps 133a and 133b; Figure 3A, step 133c), but does not disclose specifically a login request and a login reply. Rutkowski discloses requiring a user to provide a name and security token in order to securely gain access to a server resource (col. 29, lines 31-37). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to authenticate a user requesting access to a system resource in the invention of Erb.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya et al. US 5,903,559 in view of Byers (US 5,781,320).

10. Regarding claim 11, Acharya discloses exchanging operations and management data between a switch (Figure 5a, item 520) and a computing device (device connected to item 520 by item 524) by establishing a connection over a packet network (col. 8, lines 29-35 and 37-39) and exchanging operations and management data over an inherent first connection and second

Art Unit: 2666

connection (col. 8, lines 33-35) which are concurrent (Figure 5b and 5c). The packets of the first and second connections are associated with a first and second priority, respectively (col. 19, lines 26-29). However, Hauser does not explicitly disclose that the switch is a telephony switch. Byers discloses a telephony switch used in an ATM network for providing telephone access (Figure 1, item 20). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the switch in the invention of Acharya provide telephony services in order to provide additional fee-based services to customers.

11. Regarding claim 12, in Acharya the network is based on IP (abstract, lines 1-10; Figure 13).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acharya in view of Byers as applied to claim 11 above, and further in view of Mori (US 6,172,991).

12. Acharya in view of Byers discloses establishing ATM connections for IP packets (Acharya, Figure 13). However, Acharya in view of Byers does not disclose that the ATM connections are based on logical ports. Mori discloses that ATM connections are based on logical ports (Figure 1; col. 3, line 61 through col. 4, line 4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to associate ATM connections with logical ports in the invention of Acharya in view of Byers in order to properly control and manage the IP data within ATM packets (Mori, col. 1, lines 51-56).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

Art Unit: 2666

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only (applications must be associated with a customer number). For more information about the PAIR system, see [pair.uspto.gov](http://pair.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



July 3, 2004



DANSTON  
PATENT EXAMINER